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Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 5 March 2014 from the Permanent Mission of Togo to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Togo to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and, with reference to the note verbale of 16 January 2014, has the honour to present the report of Togo, prepared by the Ministry of Defence and Veterans' Affairs, on the implementation of the pertinent resolutions, in particular in relation to the arms embargo imposed on the Central African Republic (see annex).

According to the report, no breaches of the arms embargo imposed on the Central African Republic have been observed in Togolese territory.

The competent authorities have taken every measure, through cooperation at the national and regional levels, to participate effectively in the implementation of the embargo.

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Annex to the note verbale dated 5 March 2014 from the Permanent Mission of Togo to the United Nations addressed to the Chair of the Committee

Report of the Ministry of Defence and Veterans' Affairs on the measures taken to implement the arms embargo imposed on the Central African Republic

I. Introduction

On 30 January 2014, the Ministry of Foreign Affairs and Cooperation forwarded to the Ministry of Defence and Veterans' Affairs, under remittance No. 172/MAEC/CAB/DADS of 28 January 2014, the request made to United Nations Member States to report, by 5 March 2014, to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, on the measures taken to give effect to paragraphs 54 and 58 of the resolution, which impose an arms embargo on the Central African Republic.

II. National laws, regulations and administrative procedures

Act No. 59-8 of 6 January 1959 sets out the system for the management of arms, ammunition and war materiel in Togo.

Under the Act, the importation, sale and possession of arms, munitions and war materiel by any person except the armed forces and law enforcement personnel is prohibited.

Implementing decrees in keeping with that purpose have been enacted with a view to ensuring the effectiveness of the control measures taken in relation to the possession, import and transfer of arms in general and the production of improvised weapons. These decrees include:

- Decree No. 62-2 of 8 January 1962, which regulates the import, possession and transfer of sophisticated weapons and their ammunition
- Decree No. 93-060/PR of 19 May 1993, on the establishment and mandate of a consultative commission to advise the Minister of Territorial Administration and Decentralization
- Decree No. 2001-098/PR of 19 March 2001 on the establishment of a national commission to combat the illicit proliferation, circulation and trafficking of small arms and light weapons

In addition, Togo has ratified the Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, adopted in Abuja on 14 June 2006, and is consequently implementing measures to improve the control of arms in the country. These measures focus in particular on the systematic registration and marking of all weapons found in Togolese territory. This conventional identification scheme could make it possible to effectively trace weapons from their point of manufacture to their final possessor.

To support that goal, a more comprehensive bill on the control of light weapons has been drafted since 2006 and is currently awaiting approval by the National Assembly. Under article 11 of that bill, arms traders, brokers, manufacturers and assemblers resident or operating in Togo would be obliged to uphold any arms embargoes imposed by the pertinent international organizations.

Togo also signed, on 3 June 2013, the Arms Trade Treaty adopted by the General Assembly on 2 April 2013 (resolution 67/234 B). The process of ratification at the national level is now under way.

III. Methodology

The Ministry of Defence and Veterans' Affairs had already received a copy of resolution 2127 (2013) on 27 December 2013, also through the Ministry of Foreign Affairs and Cooperation.

The document was forwarded to Chief of the General Staff of the Togolese armed forces, which, through the chain of command, disseminated the instructions regarding the implementation of paragraphs 54 and 58 to the various forces and services under his command, with a view to gathering information on the embargo in question.

The system for defending and securing our national territory is divided into zones and includes the surveillance of border crossings and the monitoring of land, rail, air, sea and river transportation routes. We are therefore able to channel different data towards our various centres of operations and to compile the information required to enforce the embargo.

Moreover, as far as the circulation of weapons is concerned, the national security rules of procedure require all national security personnel, whether engaged in missions associated specifically with the circulation of weapons or not, to report to their immediate superiors any incident involving or related to weapons, and also to systematically report such incidents to the head of the detachment in question or the nearest national defence entity. This rule of procedure is therefore a highly effective means of gathering information that is relevant to an arms embargo.

IV. Coordination with other national agencies

To be effective, the fight against the proliferation, circulation and trafficking of small arms and light weapons requires everyone to be involved, particularly State actors and civil society.

In Togo, in addition to the Ministry of Defence and Veterans' Affairs and the Ministry of Security, which are the two agencies primarily responsible for handling arms issues, there is a body called the National Commission to Combat the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, which was established under Decree No. 2001-098 of 19 March 2001 to assist the Government with the development and implementation of the national policy to combat the illicit proliferation, circulation and trafficking of small arms and light weapons. The Commission comprises 17 officials representing the Office of the President of the Republic, the Office of the Prime Minister and other key ministries,

including four officials from the Ministry of Defence and Veterans' Affairs and two from the Ministry of Security.

This composition reflects the strategy to involve national agencies so as to ensure, through cooperation and coordination of activities among them, better coverage as far as the effective control, surveillance or monitoring of arms control is concerned.

It should be noted that customs, immigration, the police and the intelligence services also play a key role in this mechanism for cooperation with other national agencies.

V. Within the Economic Community of West African States

Togo was involved in the negotiation of the Convention on Small Arms and Light Weapons, Their Ammunition, and Other Related Materials, which came into force on 29 September 2009. This Convention, which was negotiated by the Government of Togo, was ratified by the Government on 11 June 2008, with the authorization of the National Assembly. Under the positive law of Togo, treaties and conventions do not need implementing regulations to enter into effect and therefore come immediately into force upon ratification.

VI. Other regional provisions

Togo is also party to various regional and subregional agreements, namely:

- The Constitutive Act of the African Union of 11 July 2000
- The agreement on mutual administrative assistance in matters relating to customs, trade and immigration, concluded between Benin, Ghana, Nigeria and Togo and signed in Lagos on 10 December 1984
- ECOWAS Convention A/P.1/8/94 on extradition, signed in Abuja on 6 August 1994
- The convention on cooperation and assistance in matters relating to security between the States members of the Council of the Entente (Benin, Burkina Faso, Côte d'Ivoire, Niger and Togo), signed in Kara on 15 February 1996
- The convention on cooperation and mutual assistance in matters relating to justice between the States members of the Council of the Entente, signed in Yamoussoukro on 20 February 1997

VII. Within the United Nations

Togo upholds the embargoes declared by the Security Council in accordance with the Charter of the United Nations.

Security Council resolution 1373 (2001), adopted on 28 September 2001, called on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism. To respond to that call, Togo ratified

the United Nations Convention against Transnational Organized Crime (adopted in New York on 15 November 2000) on 2 July 2004, having signed it on 12 December 2000.

– Togo also organized, in cooperation with the Institute for Security Studies and the Panel of Experts established pursuant to Security Council resolution 1929 (2010), and with technical support from the United Nations Regional Centre for Peace and Disarmament in Africa, a subregional workshop on the enforcement of sanctions, which was held in Lomé on 15 and 16 May 2013.

VIII. Cooperation with civil society and non-governmental organizations

The State agencies involved in tackling the issue of small arms and light weapons (the Ministry of Defence and Veterans' Affairs, the Ministry of Security and Civil Protection and the National Commission to Combat the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons) work closely with civil society actors.

Civil society stakeholders in this issue in Togo have joined forces to form the Action Network on Small Arms in Togo, which is a member of the West African Action Network on Small Arms (WAANSA). WAANSA brings together the 15 States members of ECOWAS and is headquartered in Accra.

The Togolese Network mostly organizes awareness-raising activities for the population separately from the National Commission to Combat the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. However, it works closely with the Commission, which, according to article 2, paragraph 2, of the decree under which it was established, must oversee the Network's activities.

It should also be noted that the Commission regularly involves the Network in its own activities and often participates jointly with it in international conferences, seminars and training workshops on small arms and light weapons.

IX. Statement

To date, we can report that, on the basis of the information that has reached us from different parts of our territory, no breach of the arms embargo imposed on the Central African Republic has been observed in Togolese territory.

X. International cooperation and assistance

So that it can meet the obligations set forth in paragraph 55 of resolution 2127 (2013), Togo calls upon its international partners to provide support, in particular for increasing its capacity and the human, material and financial resources it has for controlling land and maritime borders so that it can effectively identify, seize, register and neutralize the items whose supply, sale, transfer or export are prohibited under paragraph 54 of the resolution.

XI. Conclusion

As reported in the description of the methodology developed to implement the provisions of the arms embargo imposed on the Central African Republic, measures have been taken to make it possible to gather information, with a view to achieving the objectives set forth in paragraphs 54 and 58 of Security Council resolution 2127 (2013).

Thanks to our strategy of cooperation and coordination with the other stakeholders whose activities will make it possible to accomplish the objective pursued, we are confident of being able to effectively participate in the arms embargo imposed on the Central African Republic.